

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROCCO A. BEARDSLEY,

Defendant.

DECISION AND ORDER
20-CR-49-A

Defendant Rocco A. Beardsley, along with seven co-defendants,¹ is charged in a 34-count Superseding Indictment (Dkt. No. 23). Defendant is charged in 23 of those counts, with charges that include engaging in a continuing criminal enterprise, narcotics conspiracy; conspiracy to commit money laundering; possession with intent to distribute and distribution of various controlled substances, including distribution that caused death; and using and maintaining several drug-involved premises in Jamestown, New York. The case was referred to Magistrate Judge Michael J. Roemer pursuant to 28 U.S.C. § 636(b)(1) for the conduct of pretrial proceedings.

On September 23, 2022, the Magistrate Judge filed a Report, Recommendation and Order (“RR&O”) (Dkt. No. 359) that recommends that

¹ Co-defendants Tyler Tedesco, Kylie Reeves, Garland Beardsley, and Giselle Bennett have entered guilty pleas and are pending sentencing. The Court has granted the request of co-defendants Michael Murphy and Austin Gordon for an extension of time to file objections to the Magistrate Judge’s R&Rs (Dkt. Nos. 358, 360) as to those two defendants. Co-defendant Miller Hagga’s discovery motions were resolved by the Magistrate Judge in a recently issued Decision and Order (Dkt. No. 361) and it appears no other pretrial motions of Hagga’s remain pending.

Defendant's motion to dismiss and motion to suppress evidence and/or for an evidentiary hearing (Dkt. No. 189, ¶¶ 7-15, 81-89) be denied. The RR&O also resolves the parties' various discovery demands. No objections to the RR&O were filed, and the RR&O was therefore deemed submitted. Because there were no objections to the RR&O, the Court reviews the RR&O on clear error review.

The Court adopts the reasoning of the Magistrate Judge and deems no further discussion necessary.

Upon clear error review pursuant to 28 U.S.C. §636(b)(1), and for the reasons set forth in the RR&O, it is hereby

ORDERED that the RR&O is adopted in its entirety; and it is further

ORDERED that Defendant's motion to dismiss and motion to suppress evidence and/or for an evidentiary hearing (Dkt. No. 189, ¶¶ 7-15, 81-89) are DENIED; and it is further

ORDERED that Defendant's motion to sever (Dkt. No. 189, ¶¶ 72-80), as noted by the Magistrate Judge, is DENIED without prejudice to renew that motion before this Court in a separate filing.

IT IS SO ORDERED.

s/Richard J. Arcara
HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: October 13, 2022
Buffalo, New York